

FILED

2009 AUG 14 A 10:15

#5  
Pd  
APSI

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

Sm

ADR

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANG QUANG NGUYEN

Plaintiff,

vs.

STATS CHIPPAC INC. Defendant(s).

C09 03728 PVT

CASE NO. \_\_\_\_\_

EMPLOYMENT DISCRIMINATION  
COMPLAINT

1. Plaintiff resides at:

Address 592 CHICKASAW COURT

City, State & Zip Code SAN JOSE CA 95123

Phone 408 806-9288

2. Defendant is located at:

Address 47400 KATO ROAD

City, State & Zip Code FREMONT, CA 94538

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred on this Court by 42 U.S.C. Section 2000e-5.

Equitable and other relief is sought under 42 U.S.C. Section 2000e-5(g).

4. The acts complained of in this suit concern:

a. ☐ Failure to employ me.

b. ☒ Termination of my employment.



c. ☐ Failure to promote me.

d. ☒ Other acts as specified below.

COVER UP HARASSMENT THEN LAID OFF, KEEP HARASSER  
STAY. ACTION: WORKPLACE HARASSMENT, OFFENSIVE CONDUCT  
SLUR, HOSTILE, RIDICULE, IMPEDING OF SKILL  
- HARASSER HAD OBSTINATE, CALLED MY CELL  
PHONE THREE TIME & ONE TIME AT NIGHT  
ON JULY-27-09 TO HARASS ME AGAIN

5. Defendant's conduct is discriminatory with respect to the following:

a. ☐ My race or color.

b. ☐ My religion.

c. ☐ My sex.

d. ☐ My national origin.

e. ☒ Other as specified below.

TREATED UNFAIR & FRAUD REPORT TO HR

6. The basic facts surrounding my claim of discrimination are:

THE MANAGER WAS TREATED UNFAIR EMPLOYMENT.  
A- COVER UP HARASSER AND KEEP HARASSER STAY AT  
WORK. WRONGFUL TERMINATION ME CAUSE BY MANAGER  
MISLEADING TO HR MANAGER, COVER UP HARASSMENT  
LAID ME OFF TO PREVENT REPORT TO H.R.  
HIDE HARASSMENT CASE. DID NOT COMPLY POLICY  
MANAGER DID NOT LISTEN VICTIMS. HURT ME  
FOR DAMAGED CAUSE MADE ME FEEL BAD PHYSICALLY, EMOTIONALLY

7. The alleged discrimination occurred on or about 02-12-2009.

(DATE)

8. I filed charges with the Federal Equal Employment Opportunity Commission (or the California Department of Fair Employment and Housing) regarding defendant's alleged



1 discriminatory conduct on or about APRIL - 02 - 2009

2 (DATE)

3 9. The Equal Employment Opportunity Commission issued a Notice-of-Right-to-Sue letter  
4 (copy attached), which was received by me on or about JUNE - 02 - 2009

5 (DATE)

6 10. Plaintiff hereby demands a jury for all claims for which a jury is permitted:

7 Yes ☒ No ☐

8 11. WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate,  
9 including injunctive orders, damages, costs, and attorney fees.

10  
11 DATED: AUGUST - 14 - 2009

12   
SIGNATURE OF PLAINTIFF

13  
14 (PLEASE NOTE: NOTARIZATION  
15 IS NOT REQUIRED.)

DANG QUANG NGUYEN

PLAINTIFF'S NAME

(Printed or Typed)



EEOC Form 161-B (3/98)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Dang Q. Nguyen  
592 Chickasaw Court  
San Jose, CA 95123

From: San Francisco District Office  
350 The Embarcadero  
Suite 500  
San Francisco, CA 94105



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

550-2009-01333

Danny Lam,  
Investigator

(415) 625-5658

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

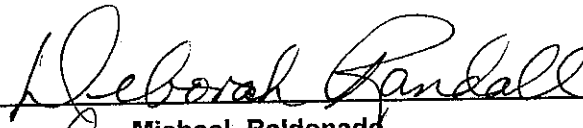


The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

  
Michael Baldonado,  
District Director

6/2/09  
(Date Mailed)

Enclosures(s)

cc: CEO/Director of Human Resources  
STATS CHIPPAK INC  
47400 Kato Road  
Fremont, CA 94538



Plaintiff alleges as follows:

### GENERAL ALLEGATIONS

1. Plaintiff, VICTIM OF WORKPLACE HARASSMENT/JOB DISCRIMINATION, a former Employee of STATSCHIPAC INC.

I would like to describe full details of harassment for years. Based on California employment law, Department of Labor and U.S. Equal Employment Opportunity Commission. Stats Chippac has violated for Workplace Harassment/Job discrimination for years. The Managers knew and had already known about the harassment and failed to take prompt and appropriate corrective action. Stats Chippac liability for Harassment. Here are type of harassment the Harasser acts to Women and Men at workplace. I was a victim had suffered for Years and Harasser still escalation.

### FIRST CAUSE OF ACTION

(cover up harassment)

2) PLAINTIFF is informed by e-mailed and victims two women & two men co-workers reported to two Managers and I was a victim of Harassment, believes and thereon alleges that Defendant, STATSCHIPAC INC. EMPLOYER LIABILITY FOR HARASSMENT/DISCRIMINATION (MANAGERS) is, and at all times mentioned herein was, an Managers represent for STATSCHIPAC City of Fremont State of California. The harasser enduring the offensive conduct becomes a condition of continued employment. Impolite, hostile, leering, raise the voice, Visual Harassment to women and slur. This reported to Managers by many victims but no action to Harasser. The harasser acted many kind because harasser did not see any action by HR Manager by Employer did not know so this harasser did not care keep hurts many people never stopping.

### SECOND CAUSE OF ACTION

( FRAUD / OBSTINATE )

3) The conduct had created a work environment that would be intimidating, Had offensive to Me. Offensive conduct had act to Me hostile, Ridicule, bullying, harm and Impeding at working sent e-mail/feedback and fraud information cause misleading to Manager. Recently on July -27-09 Harasser called Me at night four time to intended to Harass by phone talking I still keep



his missed his phone id# 408 334-7081 .this is the way Harassment to Me again .

4) The name of victim is Binh Dang recently reported to Manager on august-7-2008 and august -14-2008 the harassment happened to Me and Binh Dang but the Manager knew that but never called and ask or never take any action to Harasser . The Manager still cover up at Employment .Then when the company reduction work force The Manager select Me laid off first to avoid this Harassment case to HR Manager.

5) The Manager had scamed with Harasser at workplace so many victims had harassed by the same harasser but nothing happening to Harasser .

**WHEREFORE, PLAINTIFF prays judgment as follows:**

**A) demand StatsChippac must pay for Damaged cause made Me feel bad physically emotionally ,High degree of stress It can upset My home life ,My relationships and My health . Wrongful termination cause by Manager misleading . I lost my job . Manager Cover up harassment . Keep harasser still at work that unfair at employment not equal .**

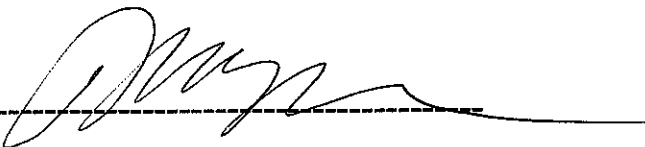
1. Damages in the sum of \$ 250,350.00

2. For punitive damages in a sum within the jurisdictional limit of the court and to be determined at time of trial;

3. For costs of suit herein; and

4. For such other and further relief as the Court deems just and proper.

Dated: August-14-2009

By: 

Dang Quang Nguyen

Plaintiff The person AGGRIEVED:



RECEIVED

SUPPLEMENTAL INFORMATION QUESTIONNAIRE MAY 13 2009

EEOC-SFDO

Case involves termination or similar adverse action:

1) Name, Job title, and telephone number of individual(s) who make the decision(s) You are complaining about.

**General Manager :** Mark Kelley

Telephone:

**Test Engineering Manager :** Le Nguyen

Telephone :

**Human resources Manager:** Gail Uy

Telephone: 510-979-8390 address: STATSCHIPAC

Fax: 510-978-8008 47400 Kato road  
Fremont, CA 94583

2) Specific dates of action(s) that occurred to You. **Feb-12-2009**

3) Provide the name(s) and job title(s) of those treated more favorably than You and identify the specific difference between You and each person

**Name:** Eric Nguyen

**Title :** Technician

This person was an harasser to women and Men at workplace harassment. I was a victim too, but the Manager cover up and treat harasser more credit than Me, same work duties but treated difference than Me, Like listen Harasser, Listen one way by Harasser never take action against harassment at workplace. Co-worker reported and complained to Manager but Manager never take action or warning to Harasser no stop. Misleading then select lay Me off to avoid report to HR to prevent Me report this case to HR Manager this is cover up. Manager hide this case. Statschippac did not comply policy. Manager call harasser working more overtime make more money but Manager discriminated Me did not call Me for working overtime because I am working hourly I needed working more hours one tech asked Manager Why don't You call Dang nguyen working overtime Manager keep quite and did not say anything that the truth. Manager did not treat fair at employment when I wanted to talk to manager but his face look angry so I could not have a chance to express the situation regarding status at workplace send email complaint no response.

Case involves harassment

1) The name (s) and job title(s) of the alleged harasser(s)

**Name:** Eric nguyen **title :** Technician

2) Where the harassment occurred.

At workplace in STATSCHIPAC INC



3) Date(s) the harassment occurred oct-2005 to jan-2009

4) What the harassment consisted of.

Violated for workplace Harassment for years Offensive conduct ,Hótile, Slur,harm, visual harassment to women, Men , Derogatory, Impeding etc.

5) Frequency of harassment .

One a week sometime one a month

6) Name(s) and job title(s) of any other persons whom You reported the harassment and the date (s) of any such reports.

Name: Chuong Nguyen

Title: night shift production leader

Name : Binh Dang

Title night shift Operator

**Note: one of this person had reported the harassment to Manager on August-7-2008 and August-14-2008 but no action to harasser .**

7) Name(s) and job title(s) of any other persons whom You believed were harassed by the same individual(s) .

a) Name : Binh Dang 408-373-3830

Title : Operator

b) Name : Thu Lam

Title : Operator

c) Name : Hong Huynh

Title : Operator

d) Name : Eric Hill

Title : Operator

8) Name,address, and telephone number of any witnesses to harassment .

Name : Binh Dang

Telephone: 408-373-3830 Cell 408-263-8542 home

Name : Thu Lam

9) The Offending Person(s)

**Regarding the person(s) engaging in discrimination,harassment,retaliation or other Wrongdoing,state the following concerning such person(s)**

a.complete name: Le van nguyen test Engineering Manager

Job Discrimination

b.complete name: Eric nguyen Technician

Harassment

c. complete name: Mark Kelley General Manager

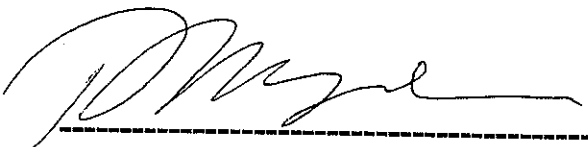
Wrongdoing



d. complete name: Gail uy HR Manager  
Wrongdoing

**10. Date of each act of discrimination : since oct-2005 to feb-2009**

**Date of each of harassment retaliation and bad conduct:** from august-07-2008  
August-15-2008 then feb-2009. I was victim and other victim reported to Manager but  
Manager cover up hide this case so Employer did not know . HR did not know no response  
By Employer.

 Date  
05-12-2009

**Signature of victim of harassment /job discrimination**

DANG QUANG NGUYEN